HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.28644 OF 1995

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Between:

Vutukuru Ramachander Rao

……Petitioner

And

The Under Secretary to Government of India,
Ministry of Home Affairs, 1st Floor,
Lokh Nayak Bhavan, New Delhi

……Respondent

:: ORDER ::

Counsel for the Petitioner : Sri J. Aswini Kumar

Counsel for the Respondent : Sri A. Rajasekhar Reddy, Assistant Solicitor General

Dated: 26-07-2006

In this petition filed more than eleven years ago, the petitioner has prayed for quashing communication dated 28-01-1994 whereby the Government of India rejected his claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the Scheme').

In the affidavit filed by him, the petitioner has averred that he has participated in the freedom struggle in the State of Andhra Pradesh. According to him, he had participated in the camp of Sri Guntapalli Satyanarayana at Jayanthi Village in Nandigama Taluq, Krishna District and, therefore, he is entitled to be treated as a freedom fighter for the purposes of the scheme. Along with the writ petition, the petitioner has filed copies of some affidavits and certificates, which are, unfortunately not fully legible.

In the counter affidavit filed by Sri S.S. Kaushik, Under Secretary in the Ministry of Home Affairs, the petitioner's prayer for grant of pension has been contested on the premise that he had failed to establish himself to be a freedom fighter. Sri Kaushik has given the background of the Scheme framed by the Government of India for grant of pension to the freedom fighters. He also highlighted the lacunas in the report submitted by Rajeshwara Rao Committee recommending grant of pension to many thousands of persons who are said to have taken part in Hyderabad Freedom Struggle. At the same time, in para 31 of his affidavit, Sri Kaushik has averred that file No.112/1873/93 relating to the petitioner could not be traced despite best efforts. In para 34, the deponent has averred that the petitioner's case can be reviewed on receipt of verification and entitlement to pension report from the State Government of Andhra Pradesh.

I have heard learned counsel for the parties and perused the

record. Since the documents filed with the writ petition are not fully legible, it is not possible for the Court to record a conclusive finding that the petitioner fulfils the conditions of eligibility prescribed for grant of pension. In this view of the matter and also keeping in view the averments contained in paragraphs 31 and 34 of the counter affidavit, I feel that ends of justice would be met by directing that if the petitioner submits fresh application along with copies of the relevant documents, then the same shall be considered and decided by the competent authority of the Government of India within a specified time frame.

Hence, the writ petition is disposed of with the following directions:

(1) Within six weeks from today, the petitioner may file appropriate application before the competent authority for grant of pension under the Scheme framed by the Government of India.

(2) Within six weeks of the receipt of the petitioner's application, the competent authority of the Government of India shall scrutinize the same, pass appropriate order.

(3) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be issued for payment of pension to him from the date of his entitlement. If, on the other hand, the competent authority comes to the conclusion that the documents produced by the petitioner do not support his claim for grant of pension under the Scheme, then his claim shall be rejected and he be informed about the same at the end of six weeks period specified in para 2 hereinabove.

As a sequel to disposal of the writ petition, WPMP No.35364 of 1995 filed for directing the respondents to consider the application of the petitioner for sanction of pension under the Scheme is disposed of as infructuous.

G.S. SINGHVI, CJ

26-07-2006

svs